

REPORT

RELATING TO THE

AFFAIRS OF THE OKA INDIANS

MADE TO THE

Superintendent General of Indian Affairs

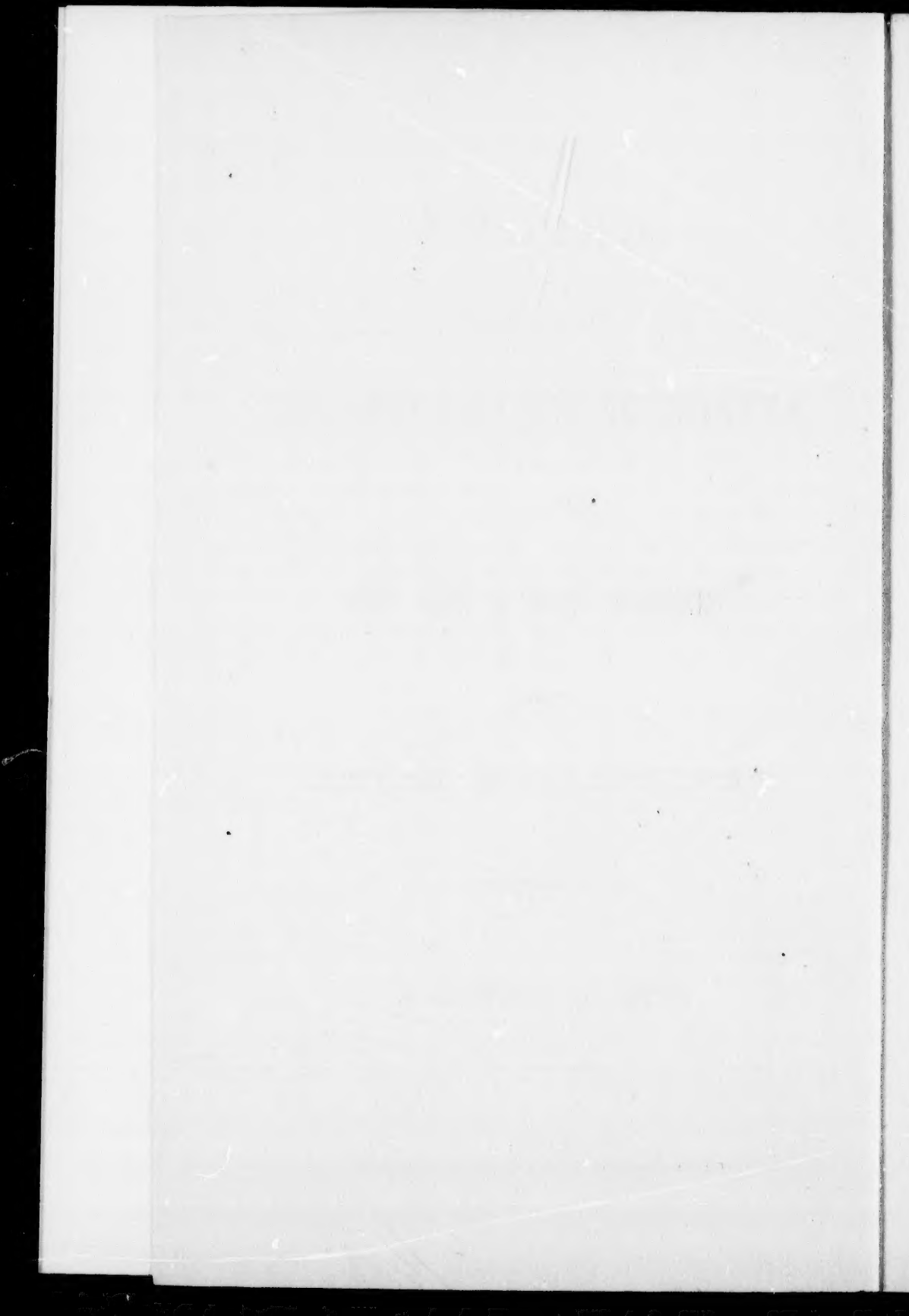
BY THE

REV. WILLIAM SCOTT.

WITH AN APPENDIX.

OTTAWA:

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PRELIMINARY.

To whom it may concern :

I think it right to say that the report contained in this pamphlet has been printed at my request. By some it may be considered a little piece of vanity, that I hope to correct some errors or mistakes which, in my humble judgment, have existed respecting all parties who have had to do with the Indians of the Lake of the Two Mountains. It is also my desire to show that the Government of this Dominion—I may say each successive Government—has not failed to use all proper and lawful efforts for the benefit of the Oka Indians. Whatever may be said to the contrary, there is abundant documentary evidence that the Indians have all along been made aware of their dependent position, which, however, was never so expressed as to justify any oppressions or cruelties which have been alleged against the agents of the Seminary. It is high time these misunderstandings and hostilities should cease, and I will express the hope that such means may be adopted as shall prove satisfactory to all parties.

As it respects anything I may have said or written to the Indians of Oka, or in reference to their claims, I can conscientiously affirm that I have been influenced only by a sincere desire to promote their highest interests for both worlds. I have reason to believe they are satisfied on that point. They have regarded me as a friendly mediator. I will also here say that the gentlemen of the Seminary have always treated me with the utmost respect, and I fervently pray that a peaceful settlement of all past disputes may be speedily attained.

• WILLIAM SCOTT.

OTTAWA, 22nd January, 1883.

DEPARTMENT OF INDIAN AFFAIRS,

OTTAWA, 2nd February 1882.

REV. SIR,—

I am directed by the Superintendent-General of Indian Affairs to request that you will be good enough to give him the benefit of your views on the Oka Indian question, as he has reason to believe that you have given the matter serious and earnest attention. The Superintendent-General is of opinion that the views you may feel yourself free to express in this matter will aid him in arriving at a proper solution of the difficulties surrounding this most intricate question.

Believe me,

Rev. Sir,

Yours very sincerely,

(Signed,) L. VANKOUGHNET.

REV. WM. SCOTT,

No. 1 Richmond Road,
Ottawa.

REPORT.

OTTAWA, 18th of February 1882.

RIGHT HONORABLE SIR,

I have the honor to acknowledge the receipt of a communication from the Deputy of the Superintendent-General of Indian Affairs, by which I am informed that he is directed by you to request me to be good enough to give you the benefit of my views on the Oka Indian question, as you have reason to believe that I have given the matter serious and earnest consideration.

It is quite true that the Oka Indian affairs have caused me great anxiety, and owing to the fact that you had verbally expressed a wish to confer with me on the subject, as well as for other reasons, I have felt it my duty to investigate the history of the case and its present position. Some of the results of my examination may not be gratifying to many with whom I have been accustomed to co-operate, but there is only one path open to me, and that is fairly and impartially to present the case as it really stands according to my candid opinion. It will afford me very great satisfaction if the free expression of my views as herein contained shall in any measure contribute to "a proper solution of the difficulties surrounding this most intricate question." To this end I cheerfully comply with your request.

I have already stated that the subject has occasioned me great anxiety for some months past, but my time has been specially devoted to the Oka Indians and their position, by

reason of a communication which appeared in one of the Montreal evening papers respecting the Oka Indians, last December. It contains several statements which go to show that the long-standing difficulties between the Indians and the Seminary are yet unsettled. It would appear also that the Dominion Government, or the Department of Indian Affairs, is blamed for the continuance of strife and unpleasantness. Among other things, the Indians who visited the newspaper office are reported to have said: "This they wish the Government to do: to *state plainly to whom the property belongs*. If they can show that they (the Indians) have no claim to it, then they will leave the Seminary in undisputed possession; but if the Seminary have no rights, they wish them to go, or if both have rights, then each should exercise their rights in peace." The whole interview as reported leaves the impression that the Indians have never been informed of their position on the Seigniorship of the Lake of Two Mountains, and further, it is to be inferred that the legal status of the Seminary is yet an open question, and therefore certain friends of the Indians in Montreal and elsewhere are warranted in encouraging the Indians to claim the lands as proprietors thereof. In regard to the Dominion Government, it is not probable that the Department having charge of Indian affairs has to this day left the Indians in ignorance of their true relation to the land and to the Seminary.* In fact, it is not so, but the persistent way in which some people continue to speak and write on the subject would lead to the supposition that the question of title is unsettled and uncertain, and that therefore it is right and proper to protract agitation on the subject in the hope of gain to the Indians. Certainly, if the question of

* See Appendix (a).

title is not settled, it ought to be for the good of all parties, and for that reason I have examined the whole case as thoroughly as possible by a careful study of the documents relating thereto. As the case covers a couple of hundred years or more, and the documents very numerous, the task of investigation has not been an easy one. But I have seriously thought that the longer matters remain in their present condition the greater are the elements of danger to the peace and welfare of the community. The subject is surrounded with embarrassing facts and conflicting claims. The space of time and governmental changes through which the history of the case passes, make it all the more necessary to proceed cautiously and honestly. Theological dogmas and Ecclesiastical bias must needs be eliminated from the controversy. Truth, as to the facts must be sought, that justice toward all parties may be secured and promoted.

In my judgment there are four branches of the Oka case which require most careful review.

Firstly : What are the titular rights of the Seminary of St. Sulpice, and upon what facts do they rest ?

Secondly : What is the position of the Indians relative to the Seigniorship of the Lake of Two Mountains, and what claims have they upon the Seminary ?

Thirdly : What is the relation of the Dominion Government or the Department of Indian Affairs to the Oka Indians, and what obligations should the Government assume towards the parties now antagonistic ?

Fourthly : What is the status of Protestantism at Oka, and what is the course of conduct which, under all the circumstances, it may be expedient for the Methodist Missionary Society to pursue ?

Firstly : What are the titular rights of the Seminary, and upon what facts do they rest ?

It is freely admitted that from the time of the conquest, the title to the estates held by the Seminary was a subject of controversy. The conflicting claims of the Seminary and the Government were set forth on several occasions. They formed a subject of discussion in 1788-9, and from thence to the time immediately preceding the union of the Provinces of Upper and Lower Canada, when it was thought desirable to put an end to all disputes by an enactment. As the result of discussions and negotiations, the law of 1840 was passed. It is briefly entitled "An Act respecting the Seminary of St. Sulpice, confirming their title." The full title of the Act is as follows:—

"An ordinance to incorporate the Seminary of St. Sulpice of Montreal, to confirm their title to the Fief and Seigniorie of the Island of Montreal, the Fief and Seigniorie of the Lake of Two Mountains, and the Fief and Seigniorie of St. Sulpice, in this Province, to provide for the gradual extinction of the seigniorial rights and dues within the seigniorial limits of the said Fief and Seigniories, and for other purposes."

The preamble and first enacting clause of the Ordinance are here inserted for the special reason of easy reference in the consideration of the case.

Preamble: "Whereas the Ecclesiastics of the Seminary of St. Sulpice, established at Montreal, in this Province, have since the capitulation made and signed at Montreal aforesaid, on the eighth day of September in the year of Our Lord one thousand seven hundred and sixty, held, possessed and enjoyed, and do still hold, possess and enjoy

" the Fief and Seignior of the Island of Montreal,
 " and its dependencies, the fief and seignior of the Lake
 " of the Two Mountains, and the fief and the seignior of
 " St. Sulpice, and their several dependencies, all situate in
 " the district of Montreal; and the said Ecclesiastics have
 " alleged and do allege, that they, so as aforesaid, have held
 " possession and enjoyed, and still do hold, possess and
 " enjoy, all and singular the said fiefs and seigniories and
 " their dependencies, rightfully and as the true and lawful
 " owners of the same; and whereas doubts and contro-
 " versies had arisen touching the right and title of the said
 " Ecclesiastics of the said Seminary of St. Sulpice, of Mont-
 " real, in and to the several fiefs and seigniories, and their
 " dependencies, of which they have, as aforesaid, been in
 " possession since the said capitulation, and it had been
 " contended that all and every the said fiefs and seigniories
 " became, by the conquest of this Province by the British
 " arms, vested, and still remain vested, in the Crown; And
 " whereas Her Majesty, desirous that all such doubts and
 " controversies should be removed and terminated, and that
 " Her faithful subjects, holding lands within the said
 " seigniorial limits of the said fiefs and seigniories, should be
 " enabled to effect and obtain the gradual extinction of all
 " seigniorial rights, dues, and duties, payable or performable
 " for or by reason of such their lands, did, of her own mere
 " will and proper motion, graciously signify Her Royal
 " pleasure, that the right and title of the said Ecclesiastics
 " of the Seminary of St. Sulpice of Montreal, in and to the
 " said several fiefs and seigniories, should be absolutely con-
 " firmed, under, and subject to the terms, provisos, conditions
 " and limitations hereinafter contained and expressed,
 " which said terms, provisos, conditions and limitations
 " were fully and finally agreed to and accepted by the said

“Ecclesiastics of the said Seminary of St. Sulpice of Montreal, all which were embodied and enacted in the Ordinance passed in the session of the Special Council for the affairs of Lower Canada, held in the third or fourth years of Her Majesty’s reign, and chaptered thirty; And, whereas, for fulfilling Her Majesty’s gracious pleasure and intentions in the said behalf, and for other the purposes aforesaid, it is expedient and necessary that the said Ecclesiastics of the Seminary of St. Sulpice of Montreal, should be and remain an Ecclesiastical Corporation or Body Corporate and Ecclesiastical (Communauté Ecclésiastique) for the purposes hereinafter mentioned.”

First enacting clause, “And the said Corporation shall have, hold, and possess the same as proprietor thereof, as fully, in the same manner, and to the same extent, as the Ecclesiastics of the Seminary of St. Sulpice of the Faubourg of St. Germain des Paris, or the Seminary of St. Sulpice of Montreal, according to its constitution, before the eighteenth day of September, which was in the year one thousand seven hundred and fifty-nine, or either, or both of the said Seminaries, might or could have done, or have a right to do, or might or could have held, enjoyed or applied the same, or any part thereof, previously to the last-mentioned period, and to and for the purposes, objects and intents following, that is to say: the cure of souls within the parish (la disserte de la paroisse) of Montreal, the mission of the Lake of the Two Mountains, for the instruction and spiritual care of the Algonquin and Iroquois Indians; the support of the Petit Séminaire or College of Montreal; the support of schools for children within the parish of Montreal; the support of the poor, invalids and orphans; the sufficient support and main-

"tenance of the members of the Corporation, its officers and
 "servants, and the support of such other religious, chari-
 "table and educational institutions as may, from time to
 "time, be approved and sanctioned by the Governor of this
 "Province, for the time being, and to or for no other
 "objects, purposes and intents whatsoever."

In 1879, nearly forty years after the passing of this Ordinance, an effort was made to invalidate or destroy its force by asserting and reiterating those expositions of the nature of the titles confirmed to the Seminary, which are actually included in the "doubts and controversies" set aside and settled by the enactment. Thus reviving for impossible purposes what the Ordinance relegates as done away for ever. Such a method of proceeding was not likely to furnish a large "contribution to a proper understanding of the Oka question," nor afford much help to its equitable and speedy settlement. The document to which I refer is a piece of patchwork, and not very creditable to any of the parties who had a hand in its preparation, because it purposely disturbs everything and settles nothing. It asserts, reasserts and reiterates the rights of the Crown, but the strongest terms that could be employed in stating the alleged claims of the British Crown are embodied in the preamble of the Ordinance, and therefore the constant reproduction of those claims is, to say the least, extremely foolish. It seems to be the aim of the pamphlet to prove that the enactment of the Ordinance was in opposition to all the previously expressed declarations of the Imperial authorities as to the claims of the Seminary and the rights of the Crown; whereas the rights of the Crown were never legally established and the claims of the Seminary were only controverted. The whole history of the affair from

1663 to 1764, or for the period of more than one hundred years, is abbreviated in the first parts of the preamble and cannot be disputed; and the position of the question arising out of the conquest is fairly stated with sufficient fullness. And yet it is alleged that deception and fraud were practiced in procuring and passing the Ordinance of 1840. To me, it appears that the Imperial authorities were thoroughly informed on this important subject. It was discussed in Parliament. The Bishop of Exeter sternly opposed the Ordinance in the House of Lords, and even suggested that the Act might be found to be "contrary to law." The Marquis of Normanby replied "that *all the circumstances* bearing on this Ordinance were submitted to the law officers of the Crown after the passing of the Act of Union, and they were decidedly in favor of the legality of the Ordinance." And further, in opposition to the frequent averment that "the Governments, Imperial and Colonial, never indicated the slightest wavering in judgment or purpose as to the course they would pursue in the matter from the time of the conquest to the settlement by the Act of 1840-1, and through all this time they were in direct opposition to the assertions of the Seminary and the opinions of their legal advisers," it may be stated that however they might agree in denying the possession of a "valid title," there was constant "wavering" as to the propriety of declaring that the Seminary had no title and should be dispossessed of their estates or endowments. The equity of the case was considered, and if the properties were to be vested in the Crown, compensation was to be offered the Seminary for losses incurred.

The fifth report of the Royal Commissioners appointed to enquire into the grievances complained of in Lower Canada,

deals with the question of the Seminary of St. Sulpice and its estates. The Commissioners were Lord Gosford, Sir Charles E. Grey, and Geo. Gipps, Esq. The report is exhaustive, and includes all the facts as embodied in the several documents relating to the case. Several witnesses are examined and their testimony recorded. In the General Report signed by all the Commissioners, I find the following remarks. Referring to defectiveness of Colonial Records during 1827, they say: "there is, however, enough to show that although His Majesty's Government thought the *bare legal title* of the Seminary very uncertain, and considered it very desirable both *to put an end to the doubts* on that subject, and to secure for the inhabitants of Montreal the means of enfranchising their property from the feudal tenure, *not an idea was entertained of depriving the Seminary of the property they had so long enjoyed*, without giving them a fair provision for their establishment in return for it." And again, the Commissioners say, "even as regards the main question itself, the possession of the houses and lands, the King has by the same Royal Instructions (continued as they are to the present day) *commanded that the Ecclesiastics shall retain their property*." Then in proposing the heads of an arrangement, the Commissioners say, "7th. The title of the Ecclesiastics to the Seigniorship of Montreal should be confirmed," and in a further suggestion to dispose of the farm of St. Gabriel, they say, "all the net proceeds of such arrangement, whether by sale or otherwise, being handed over to the Seminary at the end of every year." Sir Charles Grey made a separate "statement" in which he does not lay claim to the authority of a Report of the Commissioners, "but desires to express more fully his view of the position of the Seminary on and after the

capitulation," and thus concludes: "I would recommend that after the official correspondence which has taken place, the Crown should forego not only its claims to the Seignory, but any claims which might arise out of the *droit d'indemnité*, or subsequently out of the *droit de quint or de relief*." In the debate which took place in the House of Lords, the Earl of Ripon said: "Neither of these facts—the rights of the Crown or the opinions of the law officers of the Crown do I dispute; but neither the Government nor those legal authorities ever thought, for a moment, of driving the corporation into a court of law for the purpose of having those rights asserted." The Earl also made these remarks: "The Right Reverend Prelate has stated that the rights of the King of France devolved on the King of Great Britain by the conquest and capitulation of Lower Canada. True, they did so, but the duties of the King of France devolved upon him also; and it was certainly no part of those duties to seize on the property of those individuals under any pretence of right or power or privilege. To argue, therefore, that the Crown of England should seize on this property in pursuance of such a right, is, to say the least of it, preposterous."* And yet we are told there was "wavering." True, there was so much "wavering" since the conquest, that no government, either Imperial or Colonial, has ever judged it right or expedient to institute proceedings of ejectment. The Duke of Wellington was at first disposed to concur in the motion of the Bishop of Exeter to address Her Majesty to disallow the Ordinance of 1840. But the noble Duke in the final debate said: "I concluded too hastily. For certainly, until I read the papers laid on the table of the House, I had no notion that the sub-

* See Appendix (b).

ject was one of this nature: that the act in question was but a copy of former transactions, the originals of which lay before me." The result of the discussion was the unanimous rejection of the motions of the Bishop of Exeter, who was alone in his scepticism. It follows, therefore, that the Imperial authorities never "wavered" in the sense suggested, for their steadfastness led to a confirmation of the titles of the Seminary, and these are embodied in the Ordinance of 1840. The titular rights of the Seminary *now* rest on that ordinance. It may be criticized and emasculated by ingenious philologists, but I am constrained to look at it, simply as an Act of Parliament, confirming all the previous endowments and obligations, made by the King of France, at the same time that it makes provision to relieve Montreal and other places from the pressure of the ancient feudal tenure.

Great stress has been laid on the proceedings of a Special Council appointed by Lord Dorchester, in 1788-9, to consider the claims of certain Indians, and the right of the Seminary to appoint the Greff of Montreal. Strictly speaking it does not appear that the title of the Seminary to the Seigniorship of the Lake of the Two Mountains was referred to that Council, or to the law officers of the Crown. A decision was given by the Council, and by the law officers of the Crown on one point to be referred to hereafter, and on other topics the Council decline to give an opinion, and for the sufficient reason that, being judges, they might subsequently sit on the case in appeal, if the question of title should be raised in the proper courts. The law officers of the Crown gave their opinion that the properties in dispute reverted to the Crown on occasion of the conquest, but that was not the question submitted for consideration either to them or to the Council; and therefore I cannot see why

there need be so much stress laid on the deliberations of that Council which decided only the one point referred to. They, in my humble judgment, are like Sir J. Marriott at an earlier period, who only multiplied doubts and interjected probabilities, which, however, in both instances were allowed to repose during a great many years. So far, therefore, I find nothing to disturb the titles of the Seminary. They rest upon the Ordinance of 1840, the preamble of which must be considered inclusive of the previous facts and proceedings, occasioning "doubts and controversies," all of which it is the design of the Ordinance to set at rest, remove and settle according to the mere will and proper motion of Her Most Gracious Majesty.' The law exists,—it is as an Imperial enactment sanctioned by the highest authority, and justified by the law officers of the Crown both in England and Canada. To weaken its authority by inuendos and insinuations of fraud and duplicity is to my mind fraught with danger, and can in no way profit those whom it is most desirable to pacify. It would be infinitely more advantageous, if the necessity should arise, to apply all lawful means to secure the enforcement of the conditions and provisos of the Ordinance. Looking at the matter of law and settlement of title, it is a most serious affair, because the reasons which appear to some people strong enough to undermine the foundations of the Seminary, may also be strong enough to undermine their own.

I will add a remark or two of a general character relating to the conduct of the Crown in Canada following the conquest in 1759. There were persons who, like Sir J. Marriott, were disposed to break up and remodel everything, according to *their own notions of what should be*. The Crown or

Government showed no disposition to adopt a policy of spoliation and confiscation. If the Americans, on gaining their independence, had acted on the same generous principles, there would have been no such designation distinguishing a portion of the people as "The United Empire Loyalists." Their property was confiscated unscrupulously and Georgia threatened with the death penalty any who would dare to return. Not so with the British Statesmen in and for Canada. By the fourth article of the definitive treaty of peace of the 10th February, 1763, it was agreed between the two Crowns, that those persons who chose to retire and quit the Province, may sell their estates and effects to British subjects, and return to France or elsewhere with the money of such sales, whenever they thought proper, within the space of eighteen months from the ratification of the treaty. This article of the treaty gave effect to the thirty-fifth article of capitulation relating to the Priests of the Seminary of St. Sulpice. By the fortieth article, the Indians "who had carried arms and served" the King of France, were exempted from any penalty which might affect their persons, property or religion. The Crown fully recognized the principle, "*La conquête étant une acquisition, l'esprit d'acquisition porte avec lui l'esprit de conservation, et non pas celui de destruction,—les meilleurs conquérants firent du barbare des concitoyens.*" I may therefore quote the 37th article of capitulation which was "granted" as follows: "The lords of manors (*les seigneurs de terre*) the military and civil officers, the Canadians as well in the towns as in the country, the French settled or trading in the whole extent of the colony of Canada, and all other persons whatsoever shall preserve the entire peaceable property and possession of the goods

noble and ignoble (seigneuriaux et roturiers) moveable and immoveable merchandizes, furs and other effects, even their ships; they shall not be touched, nor the least damage done to them under any pretences whatever. They shall have liberty to keep, let, or sell them, &c." On these liberal principles the British Government acted toward the inhabitants of New France, thence called Canada. The Seminary found occasion to invoke the candour and honour of their new rulers, all through the protracted negotiations, and finally all "doubts and controversies" as to rights and titles were decently interred by the Ordinance of 1840. There is, therefore, no way by which the judgment of the Hon. Mr. Badgeley can be impugned on this question of title. The Hon. Mr. Mills, when Minister of the Interior, submitted the case for his opinion. After a full and exhaustive argument, Mr. Badgeley comes to this conclusion: 'That the title of the Corporation of the Seminary of St. Sulpice of Montreal has conferred on that body a valid and absolute right of property in their several seigniories, and constituted that body the sole absolute owners of the property known as the Seignior of the Lake of Two Mountains.'

SECOND QUESTION.

Secondly: What is the position of the Indians relative to the Seignior of the Lake of Two Mountains, and what claims have they upon the Seminary?

After the discussion and conclusions on the first question, it is scarcely necessary to say that *title* is not now to be considered an open question. In my mind, *that* is settled. But inasmuch as claims almost equivalent to a legal title have been asserted in behalf of the Indians, it is necessary

to examine the grounds and reasons of such claims. I am most anxious to secure for these Oka Indians justice and fair-play. Forty years ago, when western Indians under my charge were assailed and their rights invaded, it was my privilege successfully to vindicate their claims and rights before Lord Metcalfe, and subsequently to propose measures of improvement before the Earl of Elgin. My sympathy and regard for the aborigines of Canada are unabated, and therefore I am free to say that on my appointment as Superintendent of these Missions in the Montreal Conference of the Methodist Church of Canada, I was most sincerely desirous to obtain all necessary information concerning the Oka Indians and the position they occupied in the Seigniorship of the Lake of the Two Mountains. Certain pamphlets were obtained together with memorials and varied newspaper correspondence, with a view to reach the bottom facts. References to dates and documents were examined for verification or removal of doubts.

There has always been some sort of connection between the Indians and the Seminary. If it be asked, what Indians? an answer may not be very readily given. There is a period of more than 200 years since the first indication of relationship between the Seminary and the Indian tribes, or portions of tribes, but the latter have always been dependent on the former. It is not shown that the Indians ever gave anything to the Seminary, thereby placing the Seminary under obligations to them. The Kings of France, and the early colonizers of ancient Canada always desired to live on peaceable terms with the aborigines. The French regarded themselves as proprietors of the soil by right of discovery. The Indians, for the most part considered the French as invaders and intruders.

The Indian tribes were almost constantly at war with each other. Terribly destructive were many of their internecine struggles for supremacy. The French authorities and early colonists aimed not at the subjugation of the tribes in the first instance, but their conversion to the Roman Catholic form of Christianity. New France was to become exclusively Roman Catholic, and the whole of the Indian tribes were embraced in the spiritual or religious contemplations and designs of both the Church and the State, which were in fact one. New France must be evangelized and the crucifix planted everywhere. The Hundred Associates and the Company of Montreal who had received grants to that end, did not prosper as they and others had anticipated, and they consequently resigned their estates and operations to the Seminary of St. Sulpice, of Paris, who it was thought would succeed, because of what had already been accomplished by that community. The recitals in the deed of donation to the Seminary, dated 9th of March, 1663, proceed thus: "All the said above named Associates for the conversion of the Indians of New France in the Island of Montreal, as well as in their own name, as representing the other Associates, who, considering the great blessings it has pleased God to shower upon the said Island of Montreal, for the conversion of the Indians, the instruction and edification of the inhabitants thereof, through the ministry of the late Messieurs Ollier, de la Marguerie, de Ranty, and other Associates, labouring for the past twenty years, and to what extent of late the gentlemen of the Seminary of St. Sulpice have laboured by their care and their zeal to maintain this good work, having exposed their persons, and have made heavy contributions for the good of the colony, and the

" greater glory of God ; the said gentlemen associates, desiring to contribute on their part to second the pious designs of the said gentlemen of the Seminary, and honoring the memory of the said *Sieur Abbé Ollier*, first founder thereof, and one of the promoters and benefactors of the undertaking, they have, after several conferences held on the subject, and for the greater glory of God, and for the salvation of souls, made and do make, with the said gentlemen of the Seminary, the agreements and conventions that follow, that is to say :

" That the said gentlemen Associates in their said names, and in favor and in consideration of the conversion of the Indians of New France, have given and do give by these presents by donation ' pure, simple and irrevocable, and *entrevifs*, for themselves and their successors, &c."

I beg to call attention here to the fact that not only is the " conversion of the Indians " of the Island of Montreal designed, but also " the instruction and edification of the French inhabitants." These " great blessings " are set forth as facts in part accomplished, and, therefore, " the said gentlemen Associates in their said names and in favor and in consideration of the conversion of the *Indians of New France*, have given, and do give, &c." This is the basis of all future and further grants or endowments. The Indians of New France embraced a wide field of enterprise about equal to the whole Dominion as now constituted. The work of the Seminary is not confined to the Island or District of Montreal, and when the location of a mission is changed and additional grants bestowed, " the Indians of New France include those of ' the Lake of the Two Mountains,' if any existed there at the time, but do not exclude any from the

pious designs of the Associates or of the Seminary." In 1677 the Seminary in the Island of Montreal was established, where as we have seen much preparatory work had been done in previous years. The former grants were therefore confirmed by "The King of France and Navarre." But the same objects and the same boundless territorial area are specified. So the King says "being well informed that we "can do nothing more advantageous for the proagation of "the faith, and for the establishment of the Christian religion in our States of New France, and wishing to treat the "memorialists favorably, we have permitted, and do by these "presents signed by our hand, permit them to erect a community and Seminary of Ecclesiastics in the said Island of "Montreal there to attend, according to their intentions, "conformably to the Holy Councils of the Church and the "ordinances of this kingdom, to the conversion and instruction of our subjects, and to pray God for us and our successors, kings, and for the peace of the Church and our "State."

The further grants of the Lake of the Two Mountains Seignior in 1717 confirmed in 1718, and that of 1733 confirmed in 1735, make no change in the purposes of the grantor, nor in the limitless objects of the grantee; the conditions and provisos have reference to the original grants, and therefore *the Indians of New France* are to be missioned, and the French inhabitants instructed. The work of conversion was slow, and those who professed the new faith were hated and persecuted by those who remained pagan. The French Ecclesiastics had from the first to adopt means of protection, and necessarily became the defenders of those Indians who had renounced paganism, and whose fate was contingent on the

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issues of marauding warfare. We therefore find the building of a fort and the building of a church in some respects equally important. The Indians had no fixed settlement or territorial reserve. With the exception of work done for the Seminary, they fish and hunt. But these are hazardous employments and they dare not wander far away from a fort. The Indians are not a tribal unit, but composed of several tribes, as we find them now. Those who were friendly with the French Ecclesiastics kept together. The Ecclesiastics were anxious to defend themselves and their aboriginal converts from the attacks of the fiery and hostile Iroquois. There is no treaty between the friendly Indians and the Ecclesiastics. The former are an aggregation of several tribes keeping near to a place of security for the strongest of human reasons—self-preservation. The prominence of one or two tribes makes no difference as to the facts under consideration.* The grant of the Associates confirmed by the King, and the grants made and confirmed in 1718 and in 1735, invaded no known existing rights of ownership or occupation claimed by any tribe at the time. The grants were not made as an Indian reserve to be managed by the Seminary, but they were made to the Seminary for purposes of protection, maintenance, and the religious instruction of those Indians and French inhabitants who voluntarily placed themselves under the care of the grantees, and through them procured the means of support; both classes of dependents being regarded and dealt with as "French subjects." They have no title of territorial rights. The Indians in that respect are on the same footing as the French habitants. The memorialists to Lord Dufferin make a "parallel" which is not

* See Appendix (c).

parallel, but divergent, when they affirm that "the Seminary holds the same position as the Dominion Government towards the Caughnawaga Indians and other tribes." The Oka Indians, unfortunately, have no such rights and claims as have those of "Caughnawaga and other tribes." How any lawyer could have ventured to construct such a sentence is to me a legal mystery. It is yet more strange to say that "all the grants" were made as regards the Indians, and not for the benefit of the emigrants from France. The memorial and the "Beta" pamphlet would seem to have had a common paternity, for referring to the several grants, Beta says "the Indians are the only prominent parties referred to," and he also falsely parallels the position of the Caughnawaga and Oka Indians. As these documents are now before me, I will refer to a clause in the deed of 1735, upon which they have fixed their exposition. The clause is as follows: "And lastly, that the Indians of the Lake of the Two Mountains, *being accustomed to often change their place of abode*, and so to render the said land more profitable" (the memorial says serviceable) "it would be necessary to extend the said land further, &c." "More profitable," "doubtless for the Indians," says "Beta." Well, be it so, but in what sense? It is not now possible to interrogate those who drafted the deed of 1735, or we might ask them what was meant by the words "being accustomed to often change their place of abode," and why that rendered necessary "land more profitable." The alleged changes must have been profitable either within the bounds of the Seigniory, or outside of it, to regions beyond; most likely beyond. In either case, especially the latter, the duties, difficulties and expenses of the mission would thereby be augmented; so to meet the additional expenses,

additional, and perhaps better land is added to the grant of 1718, which, however, is not to be valued by the rulings of the land markets of 1882. There are other reasons mentioned for the additional grant, in which, of course, the Indians have an interest; nevertheless, the King "now grants and concedes to the said Ecclesiastics of St. Sulpice of Paris; to have and to hold in full property and seignior, which full property and seignior" are subsequently conceded to the Seminary of Montreal, and confirmed by the Ordinance of 1840, and which, as the aforesaid memorialists shew, places among the charges of the Seminary, the mission of the Lake of the Two Mountains "for the instruction and spiritual care of the Algonquins and Iroquois Indians." It is properly said "the rights of the Indians are preserved," but they are such rights only as are defined in the several deeds and in the final confirming Ordinance.

I think it proper now to say that the claims of the Indians to the "ownership" of the Seignior of the Lake of the Two Mountains was never made before the conquest of Canada. I cannot find that any such notion found expression before that period, nor for a good while after. A leaven of change was brought into the country with the treaty of peace, and the results are matter of history and of experience. The first appeal to the Government in behalf of the Indians was made in 1788-9. I have read the speech of Chief Augneeta, addressed to Sir John Johnson, in the written records of the Privy Council, as also all the documents then handed to the Council to whom the case was referred by Lord Dorchester. Not satisfied with the deeds existing, the Indians, through Augneeta, gravely ask for "*a new deed.*" After this hearing and the consideration

of much evidence the law officers of the Crown declare, "With respect to the claim of title by the Indians of the Lake of the Two Mountains to the Fief of that Seignior, whatever ideas they might have entertained of a title, we cannot perceive any such right in them." The whole Council on the question "Whether there was any foundation for the Indians pretension" "humbly report," "that no satisfactory evidence is given to the committee of any title granted, either by the French Crown or any grantee of that Crown." On that the claimants are quieted for more than twenty years. The matter is in the hands of the Imperial authorities, and the Seminary is not seriously disturbed. From the decision of 1789 through the early years of the present century, there are Minutes of Council, Instructions to Governors and Kingly Proclamations, all more or less attacking the titles of the Seminary, but in no instance do I find any intimation that the territories in dispute belong of right to the Indians. They are invariably claimed as belonging to the Domain of the Crown. Even if secured to the Crown, it is no where even as much as suggested, so far as I can find, that the said lands should then be devoted or set apart as an Indian Reserve. These remarks apply to the proceedings of the Royal Commission in 1834-5, and to the debates in the British Parliament. In short, all the "reports" and the proceedings based on them, read as though the Indians had no existence, for the properties are to be disposed of without reference to any claim of theirs. It is to be remembered that the affairs of the Indians of Canada were under the direction of the Imperial authorities until within a short period before the confederation of the Provinces. After that political change the Dominion Government became heir to all the agitations and disputations of

former times. The alleged rights of the Oka Indians are vigorously renewed. Petitions and memorials to Governors and Premiers are prepared and forwarded. The Indians demand their rights, and request the Government to dismiss the Seminary and administer the estate in their aboriginal interests. From 1868 until this day the same claims and wishes are put forth, especially by "Beta" and the Montreal memorialists. Under three administrations the identical reply has been made, and the Indians have been repeatedly informed in substance that they occupy the lands of the Lake of the Two Mountains at the pleasure of the Seminary, and on the conditions which they may require. I am not approving nor condemning any persons or parties, but simply stating the facts as they are, and of which the Indians have been officially informed. And this, therefore, must be my answer to the question, "what is the position of the Indians relative to the Seignior of the Lake of the Two Mountains:—They are tenants at will.

But it is further asked "what claims had they upon the Seminary?"

On this subject it will be necessary for me to revert to the state of things as they existed before and at the time the mission of the Seminary was removed to the Lake lands. First, the mission was at Montreal, from whence it was removed to Sault-au-Recollet, distant from Montreal, about six miles. The disputations about the meaning of "the mission" appear to me unnecessary, if not irrelevant, for it is obvious that the title designates a centre of operations, or a gathering place of worshippers, and the land grants are an endowment to enable the grantee to carry on the work—that is, the conversion and civilization of the Indians, and the instruction

and edification of other French subjects.* The Indians in the neighbourhood of Montreal had no fixed settlement there. They were not the aboriginal occupants of territory there; they had good reasons for gathering around the fortifications of Montreal. Memories of the horrid butchery of the unsuspecting people of Lachine, and of other sad disasters, haunted the Indians as well as others. They sought protection and obtained it, but they were wanderers without a local habitation, often changing their place of only temporary abode.* The Indians of the Sault-au-Rcollet had no reserve of their own, therefore it cannot be supposed that the Lake Seigniorv was granted them in exchange for any lands surrendered. There was no surrender, and so nothing was granted as an exchange. But for additional security and more effectually to carry out the original aims of the Seminary, an endowment is given to that end, namely, the grants of 1718 and 1735.

It must, however, be distinctly noted, that all the grants or charters, down to the famous Ordinance of 1840, recognize the Indians, and the duty of providing for their welfare. In what way or manner is in no instance set forth, other than as relates to their religious instruction and civilization. These would involve the recovery of the Indians from their wandering habits, and dependence for subsistence chiefly by hunting and fishing. To accomplish this the Indians would have a moral claim on the Seminary for the occupation and use of such portions of land, as would enable them to establish a home and provide for their families. As a general fact, known to all men, it has been found exceedingly difficult to persuade the Aborigines to discontinue their ancient customs, and betake themselves to agricul-

* See Appendix (c).

tural pursuits. Hence at this day, there are splendid Indian Reserves in Ontario which should have been as the fields and orchards of Niagara, but are as yet comparatively waste lands. How it would have been at the Two Mountains if the lands had been strictly and in law a reserve, it would be presumptuous to decide. A proper question is rather : has the Seminary granted the Indians opportunity of settlement and the pursuit of agriculture ? The general fact known is a partial answer :— The Indians have had and yet have lands assigned to them for cultivation, and there is a village known as the village of Oka. These lands and lots are owned by the Seminary, and are assigned to those Indians who desire to use or cultivate them. The Seminary says : “ This is the manner in which we deal with our Indians in reference to the cultivation of lands. We allow them the enjoyment of the lands, on condition that they will cultivate them ; the enjoyment may pass to their children on the same conditions, and even allow them to sell out that enjoyment to another Indian who has been established in the said Mission for two years. We only reserve for us the wood, the cutting and cartage of which we pay for. If they want any firewood, or timber for building purposes, we allow them to have it, but we only permit them to take what they want for their own use. They are prohibited from selling wood without our permission, otherwise our forest would have been long since ruined.” I shall only remark here, that the last clause of this extract has been one great source of conflict. The Indians have frequently contended for the right to take what wood they pleased and for any purpose.

On the 8th of September, 1856, Special Commissioners are

appointed "to investigate Indian affairs in Canada," consisting of R. T. Pennyfather, Froome Talfourd and Thomas Worthington, Esqs. Their report is before me. Respecting the Indians of the Lake of the Two Mountains the report says: "There are three tribes living together at this settlement: Nipissingues, Algonquins and Iroquois. The land which they occupy belongs to the Seminary of St. Sulpice, at Montreal, to whom the Seigniori of the Two Mountains was granted for the maintenance and instruction of the Indians stationed there." The population is stated to be at that time (1857) 884. The tabular statement gives 5 more, that is 889. They owned 60 cows, 17 oxen, 71 horses, 97 swine and 114 carts and waggons. The report further shows the farm produce for 1856 to have been, of wheat 813 bushels, of oats and barley 771 bushels, of pease and beans 226 bushels, of potatoes 580 bushels, of Indian corn 835 bushels, and of hay 181 tons. "The total of the land under cultivation by the Indians is 899 acres, 664 of which are tilled by the Iroquois, 148 by the Algonquins, while 87 are under the management of the Nipissingues." The Commissioners say "the tract is not favorable to agricultural pursuits, being for the most part sterile and stony." They may be in error as to that, but so they have written. The report concludes with a sentence, which, however true, has a most mournful monotone: "*These Indians have no revenue whatever of their own.*"

It would appear, then, the Indians of Oka, in 1856, had nearly a thousand acres of land under cultivation, and if it be allowed that about half the land granted or set apart for their use was under culture, then about 2,000 acres were under their control. So far, then, it is apparent that the Seminary has not excluded the Indians from a participation

in the proceeds and profits of the land. They have been afforded the chances of improvement and progress. In an appendix to the Commissioners' Report we are told, under date of December 9th, 1857, the Indians "have made considerable progress of late years in agriculture." As agriculturists the Indians are the tenants of the Seminary. They are not charged any rent for their farms and paid no rent for church pews. It is probable from statistics in my possession that the Indians were assessed for tithes something over \$200 a year, which were paid not in cash, but in labor, while the Seminary gave them considerably over \$3,000 each year between 1865 and 1868, according to the following statement published by the authorities of the Seminary.

1865-66, Seed grain advanced and not remitted..	\$ 179 30
Work procured to Indians.....	2,137 09
Alms.....	650 87
1866-67, Seed grain, as above.....	163 34
Work ".....	2,472 25
Alms.....	603 87
1867-68, Seed grain, as above.....	112 00
Work, &c.....	2,785 06
Alms.....	714 14
Special assistance given to the Indians in three years.....	\$9,816 12

From this statement it will be admitted that the "Indian inhabitants share in the benefit of the said property." Not so fully as they desire, but I am persuaded that the Indians would not have expressed dissatisfaction in the manner they have done, and to the extent so frequently announced, if they had not been stimulated thereto by those persons

who have encouraged the Indians to assume the position of proprietors, as against the authority of the Seminary. Thus we read in the pamphlet of "Beta." "Previous to the Act" (of 1840) "and under the old state of things, the Seminary acted as the guardians of the Indian rights; and in that relation took proceedings against all trespassers on these lands. But now they act as masters, as proprietors in their own right, and soon take the needed measures to initiate the Indians into this new discovery. Nor is this all; for no longer desiring the presence of the Indians at the Lake of Two Mountains, they move—successfully move—the Government to set apart for the Indians a block of land (1,600 acres) in a distant and northern portion of the Province. Beta should have written 16,000, but that does not make much difference, of course, for he adds: "To this newly-found paradise of sterility, rock and frost, the Indians refused to go." Now, all this is a miserable and mischievous misrepresentation of the facts. For the use of the Indian tribes, hunting on the territory between the St. Maurice and the Gatineau, principally residing at the mission of the Lake of Two Mountains, that is, for the Tetés de Boule, Algonquins and Nipissingues, 45,750 acres were set apart on the River Desert. For the benefit of the Iroquois of Caughnawaga and the Lake of Two Mountains, there were set apart under the same statute 14 & 15 Vic. c. 106, a quarter of the Township of Doncaster, rear of Wexford, containing 16,000 acres. On this, the Commission of Indian Affairs in 1857, made as a part of their report the following statement, to which special attention is called: "In consideration of the claims pressed by these Indians for *compensation for their hunting grounds on the Ottawa River* which had been taken possession of by the White population before they

were surrendered, or the Indian interest consulted in any way, the Executive Government granted to these bands under the 14 & 15 Vic, c. 106, 45,750 acres on the River Desert. A certain number of the Algonquins have embraced the opportunity thus given to them of exchanging the sterile tract of the Lake of Two Mountains for a fresh location, where they have formed the settlement of Maniwaki, and are beginning to apply themselves to agriculture." This settlement has advanced considerably since the time of the Commissioners' Report. There is, therefore, good hope for those Indians who accepted their grant; while those who have rejected a grant of quite as good land specially set apart for their use, remain at Oka, and are subject to all the sufferings and privations, resulting from bad soil and worse neighbors. One thing is certain, there is no evidence to show that the grants made under the Act 14 and 15 Vic., c. 106, were made under instigation by the Seminary, but as compensation for lands of which they had been unlawfully deprived, and in which the Oka Indians had only a partial interest. I understand the 16,000 acres in Doncaster remain as when first granted, and are an Indian Reserve. All of which shows the animus of those who misinform and misdirect the Indians. But the effects of bad advice have been and are disastrous.

The Iroquois Indians had undoubted claims on the Seminary, and the evidence produced above demonstrates that these claims were never denied. Most of the difficulties and conflicts between the parties have arisen because the Indians have been persistently instructed to insist on the possession and exercise of rights and privileges to which, in law, they had no title. Most gladly would I write otherwise, if in conscience I could do so; but the facts and documents

will not admit of a different interpretation, and it is folly to stretch out the hand for unattainable objects. With the present state of affairs at Oka, the public in general and the contending parties in particular, can never be satisfied. It is therefore absolutely necessary and infinitely desirable that some method be adopted to solve the problem and *place the Indians in a position of independence.*

THIRD QUESTION.

What is the relation of the Dominion Government or the Department of Indian Affairs to the Oka Indians, and what obligations should the Government assume towards the parties now antagonistic?

I should not have ventured to express an opinion on these topics but for the fact that the Government has been frequently assailed for supposed neglect of duty or disinclination to listen to the complaints of the Indians against the Seminary. On page 71 of the "Beta" pamphlet we read: "That these Oka Indians, who are wards of the Dominion Government, should be left to be the sport of the vindictive and cruel policy of the Seminary, and that for many years past, is a reflection on us as a people even as great as that we oftentimes throw upon our American neighbours for their conduct towards their Indians." And again on page 72: "The Dominion Government, on whom specially the duty of having this long vexed question settled, has for years past shirked its duty and has looked about more for excuse for not attempting it than for evidence of what should be done in the case." And then follows a prognostication of trouble, amounting to a threat of reprisal which we are told "it would be well to prevent." Perhaps so; but it may as well be respectfully suggested,

that mischief generally arises from misrepresentations and fallacious assumptions. It seems to have been forgotten that the Government meeting stern facts and an array of legal opinions and decisions, could not ignore them and perform administrative acts at variance with them. It should also be remembered that the status of the Seminary was fixed by the Imperial authorities long before the management of Indian affairs was transferred to the government in Canada, which is not responsible for the Act of 1840, any more than it is for acts done or charters given by the King of France. Yet it has not "for years shirked its duty" in the matter of the Oka Indians. The records of the Indian Department exhibit extreme anxiety to solve a difficult problem, and an earnest desire to arrive at an equitable and satisfactory adjustment of conflicting claims. It has acknowledged the right of the Indians to consideration at the hands of the Seminary, and the Seminary on its part has never refused to consider proposals which might conduce to an amicable settlement of agitating strifes and contentions. Third or fourth parties have come between the negotiating parties, and the Government has been exhorted to do what could not lawfully be attempted.

The destruction of the Protestant Church at Oka, furnished reasons for interference, but the Dominion Government could not prevent that, neither had it power to punish the offenders. That act could not but be considered a grievous outrage. If the erection was a trespass it was in the power of the Seminary to prevent it. I am informed a protest was made but it was unheeded. The church was built, and the Seminary having allowed it to stand for years, should not have avenged an alleged "usurpation of vested rights" in the manner described. The destruction

by fire of their own property is to be regretted, but nobody has now any right to say of the Indians that "they finally set fire to the Catholic Church at Oka." The repetition of these criminations and recriminations, with their natural effects on the public, cannot help in the settlement of existing disputes, neither can they soften the asperities of French Canadians, who are so frequently charged with cruelty towards the Indian population. All these circumstances, and many more distressing particulars, go to show the painfulness of the position occupied by the Oka Indians, but the reiteration of complaints against the Government for neglect, or shirking of duty, can only be made in utter ignorance of the relations of all the parties to the law and the facts. The law is administered by the Government. All outside parties are bound by the law. There may be diverse views of facts and their circumstances as there may also be conflicting claims of right and privilege. In such cases, all taken together, it is obvious that a settlement is attainable only by compromise in equity. Such is my judgment of the case under consideration.

Sum The Government is the ~~ward~~ of the Indians generally, and is itself governed by the Indian Act of 1880. That Act specially regards the Indians with whom treaties have been made, who therefore possess lands or reservations under the management of the Indian Department in the interest of such Indians. As far as possible the Indians of Oka have been included in the operations under that Act, perhaps rendered necessary by the voluntary severance of the Indians from the Roman Catholic Church. But if that event had not occurred, the interposition of the Government at some time might have been necessary, for the Indians, while Catholic, were not, and those who remain

Catholic, are not in harmony with the Seminary as to questions of right and title. Complaints have not ceased since the memorable speech of the Chief in 1788. The correspondence of the Government with the Seminary in past times and the complaints of the Indians of the present day show this among other things, and these all demonstrate that a settlement could not be reached by a determined resistance of all concessions. Offences of violence against the persons and properties of the Indians it is not in the power of the Dominion Government either to prevent or punish. The Government has remonstrated, and, for the protection of the Indians, appointed a resident agent whose last published report does not inspire confidence that the warfare of French Canadians against the Indians will speedily come to an end. The state of affairs is every way distressing and alarming. Reconciliation is eminently desirable. The relation of the Government to the Oka Indians is anomalous, and to move in any direction is environed with difficulties insurmountable on abstract principles. Peace is unattainable without concession. The Government has not shirked responsibility. When the Rev. John Borland appealed to the Government in a certain case, the late Hon. Joseph Howe then said in reply: "I cannot change the law, or dispossess the proprietors, nor would it appear proper for me to encourage others to dispute rights thus recognized by the highest legal authority. I am disposed to do what is fair and right to all parties, nor am I influenced by anything but a sense of duty. Should you be disposed to come to Ottawa all the papers shall be opened to your inspection, and I shall be happy to discuss with you any practical measures for the relief or protection of the Indians that you may

"suggest." The Government of to-day can give no other answer to appeals in behalf of the Indians, and similar answers they have been obliged to give. It is not true that appeals have been unanswered, or that complaints have received no attention. But if the Indians will not yield, but surrender themselves to unwise advisers and refuse concession, demanding what the Government cannot grant, then it will for ever be impossible to place them in circumstances where they and their children may live in peace, with the prospect of improvement and happiness. The Government in this case, as in many others, can only help those who are disposed to help themselves. The consummation devoutly to be sought, is the final settlement of all past disputes. The Indians should be placed in a position of freedom, upon lands that can be managed under the Indian Act, in the same way and for the same ends as relate to other Indians of the Dominion. To this end therefore it is both wise and expedient fully to explain to the Indians of Oka, what the Seminary has consented to do, and what the Government is willing to do, in order to give effect to the concessions and agreements of the Seminary in this behalf.

Having shown the singular and painful position of the Oka Indians on answering the first two questions in this discussion, it seems to me that the public, made aware of the facts, must perceive it to be both important and desirable by all proper and lawful means to change that position and place them fully under the Indian Act. The Department in all that it has hitherto done for the Okas has given a most liberal interpretation to that Act, governing itself by the spirit rather than the letter thereof. The Indians have been properly regarded as orphans who should be cared for and prepared for manhood—its duties and re-

sponsibilities. The Act defines its terms. An "Indian" means "any male person of Indian blood reputed to belong to a particular band." The term "band" means "any tribe, band or body of Indians who own or are interested in a reserve, or in Indian lands in common, of which the *legal title is vested in the Crown*, or who share alike in the distribution of any annuities or interest moneys for which the Government of Canada is responsible;" the term "the band" means "the band to which the context relates, and the term band when action is taken by the band as such, means the band in council." It will not be asserted that the Oka Indians come under that clause. The next sub-section relates to "irregulars," and under that the Oka Iroquois and Algonquins are embraced. It reads: "The term 'irregular band' means any tribe, band or body of persons who own no interest in any reserve or lands of which the legal title is vested in the Crown; who possess no common fund managed by the Government of Canada, or who have not any treaty relations with the Crown." The 6th sub-section relates to "special reserves," which means "any tract or tracts of land, and everything belonging thereto, set apart for the use and benefit of any band or *irregular band* of Indians, the title of which is vested in a society, corporation, or company, legally established and capable of suing or being sued, or in a person or persons of European descent, but which land is *held in trust* for such band or irregular band of Indians." The Seminary is "legally established," but it cannot be shown that their lands are "held in trust" for any band of Indians. The only lands set apart for the Indians of the Lake of Two Mountains are those situated in the Township of Doncaster, in the Province of Quebec, before referred to as having been rejected by the

Oka, or rather Iroquois, as a place of settlement. The Indian Act does not authorize the Government to procure for them other lands. As orphans they must be provided for. Considering the notions the Indians have been led to entertain respecting the lake lands, the only party who should provide such lands is the Seminary of St. Sulpice, not on the ground of legal claim, but on principles of equity, and as a concession toward pacification. It is known that by arrangement with the Government the Seminary has done this, and therefore the important question now is, how to give complete effect to what is considered a just and honorable proposition. As I am informed, the Government and the Seminary both desire, in the interest of the Indians, that they should accept the arrangement above referred to, yet neither wishes to exercise any other power than that of moral suasion. The Government, under the circumstances, co-operates with the Seminary in bestowing upon the Indians who have removed, the assistance of various kinds which may be required for a limited period. As to those who may remain at Oka, I do not see how the Government can be under obligations to do more than it has done. The Department of Indian Affairs cannot assume, or ought not to be expected to assume, additional obligations in this matter. It is doubtless expedient for the Department to use every proper means to impress the Indians with the facts, and to show what I am persuaded is the truth;—that their real welfare and happiness through all future time depends on themselves, and will most likely be secured by their acceding to the policy of the Government which has been adopted solely in their interest.

It is not without reluctance that I append a note here but I feel it my duty to say that one serious difficulty in

dealing with the Indians of Oka arises from the fact that they have been induced to accept as beyond contradiction, what, in the past times, Sir John Johnson, and on a more recent date, what Mr. Spragge, are alleged to have stated to the Indians, to the effect they were the owners and proprietors of the Seigniorship of the Lake of the Two Mountains, I have reason to think that both these gentlemen subsequently discovered that they had neither law nor authority for their statements, and so the Indians have been repeatedly informed. This they forget, but cling with tenacity to the claim of title which has been erroneously expressed in their favour. It is consequently of importance to bear these facts in mind, whenever the Department may deem it advisable to answer the demands of the Indians on the question of title.

FOURTH QUESTION.

What is the status of Protestantism at Oka, and what is the course of conduct which, under all the circumstances, it may be expedient for the Methodist Missionary Society to pursue?

The Indians, in successive memorials to the Government, have declared that their separation from the Roman Catholic church arose from the exactions and oppressions to which they were subjected by the priests and partizans of the Seminary. These are therefore denounced in the strongest terms. In course of time a large majority of these Indians were brought into fellowship with the Methodist Church of Canada—a church which has for many years taken a lively interest in the aborigines of Canada, and whose labours have been eminently successful. Under the persuasion that the Indians of the Lake of Two Mountains had territorial rights and privileges, they but sustained their

well-earned reputation in accepting the invitations of the Indians and established a mission at Oka. A place of worship and school house became a necessity. To provide such, assistance was readily furnished by many friends in Montreal and elsewhere, so that for the purposes of "religious worship and education," a building was erected and dedicated. This was some time in 1872. Subsequently the Chiefs were prosecuted for trespass, and, as I am informed, by some strange and singular proceedings, judgment by default was obtained, and the case was decided against the Chiefs. At Oka a paper was produced ordering the removal of the "trespass," that is, of the church. "The officer whose name was appended to the paper, swore it was not his signature." Nevertheless the result was the destruction of the building on the 7th of December 1875, which act was not repudiated by the Seminary. The church was valued at \$3,000 and an action for damages was commenced. The Seminary, in its quality of defendant, sets forth in its declaration of pleas, "that the plaintiffs did illegally, and without any right whatever, invade the said site," &c., and so the building was treated as a trespass on the rights of the Seminary. That suit was pending when other difficulties arose from acts of violence charged against the Seminary or its agents, whereupon the interference of the Government is invoked by the Memorial to Lord Dufferin to which reference has already been made. In this briefest manner possible is given the facts relating to the introduction of Protestantism at Oka, and the consequences legal and illegal which followed. From that day to this, uncertainty and difficulty have prevailed as to public worship and facilities for carrying on educational work in the village of Oka. A schoolhouse in

the country has been erected without remonstrance from the Seminary. A building in a measure suitable for school purposes has been rented in the village, wherein also public worship is conducted. It has never been reported that the religious services have been disturbed, and of the schools it is only necessary to say that they are conducted by the Methodists under the regulations of the Indian Department. Yet, it remains a fact not to be disputed, that Protestantism exists at Oka by mere sufferance. That is the status of Methodism. In the defensive declaration of the Seminary before the Supreme Court in Montreal, two of the pleas against damages read thus: "Que les dits Ecclesiastiques n'étaient aucunement tenus par leurs titres à la dite Seigneurie du Lac des Deux Montagnes, ni par la loi, de pourvoir aux dissidents de l'Eglise Catholique Romaine, dans la dite mission du Lac des Deux Montagnes, un local pour l'exercice du culte d'une religion dissidente quelconque, et nommément celle des Méthodistes."

"Que la seule mission du lac des Deux Montagnes reconnue par la loi et mentionnée dans les titres des dites Ecclesiastiques est une mission Catholique Romaine, laquelle a toujours été et est encore désiré par les dites Ecclesiastiques qui y ont une église, et des écoles pour les besoins de toute la population, lesquels sont entretenues aux frais et dépens des dits Ecclesiastiques." Which briefly means that the Seminary, by its titles and by law, were not required to provide a place of worship for any dissenting religion whatever, especially that of the Methodists, and further, that *the only mission* recognized in law and by the titles of the Seminary is Roman Catholic, which has provided, and yet provides for the whole population. Of course the *provision* has been, and would continue to be,

Roman Catholic, and I do not see how the Seminary could be expected to provide any other. That the Indians had, and have a perfect right to abandon the Church of Rome and become identified with any Protestant church, cannot be questioned. Choice of religious faith and Ecclesiastical society is a birthright of all mankind. Coercion of any kind toward uniformity is an "abomination of desolation." Yet, it cannot for a moment be supposed that the Superior of the Seminary is under obligation to support a Methodist Minister or Protestant teachers at Oka. Even though these Ecclesiastics were possessors of untold wealth, I doubt if it is in their power to appropriate it to or for Protestant uses, which means the subversion and destruction of their special functions. The memorialists to Lord Dufferin have expressed themselves otherwise, and their opinion, or rather their statement, is in the words following :

"That freedom of worship being a primary and imprescriptible right of all Her Majesty's subjects in every part of the Dominion of Canada. The said Ecclesiastics are bound by the conditions of the said grant and charter, to provide the Indians of the Lake of Two Mountains, and amongst them the said Chiefs and their co-religionists with the means of moral and religious instruction, in accordance with their views of what is moral and religious instruction whatever be the particular forms of Christian worship the said Indians choose to adopt and follow; and that the principal means of providing such moral and religious instruction, are the maintenance of public schools and places of worship in accordance with the denominational tenets of the said Indians; and that the said grants amply supply the said Ecclesiastics with the means of providing for the moral and religious requirements of the said In-

"dians." Now, I do not hesitate to pronounce the foregoing argument most fallacious and preposterous. If it were sound at all, it is applicable all round. So that if the Methodists receive a grant from the Crown to evangelize Quebec according to their doctrines and discipline, and their converts subsequently embrace Buddhism, the said Methodists having "the means" are under obligations to teach Buddhism. Similar notions to those embodied in the memorial are expressed for the Indians in their petition to Lord Monck and to Sir John Macdonald. To Sir John they say: "Your memorialists most respectfully conclude by soliciting the intervention of your honor in their behalf and obtain on the part of the priests of the Seminary of St. Sulpice, 'the liberty of conscience, the free circulation and preaching of the Gospel by whatever means the Iroquois of the Lake may deem fit to devise, and the opening and keeping of Sabbath Schools and Evangelical Teachers.'" As to "liberty of conscience," that, no power on earth can give or take away; but to ask any government to compel the Seminary to provide the funds for teaching and "preaching the Gospel by whatever means the Iroquois of the Lake may deem fit to devise," is simply asking the Government to annihilate "liberty of conscience" which belongs to the Ecclesiastics of Rome as fully as to the followers of Wesley. Romanists, whatever else they may be, are not latitudinarians, and the Seminary has not received endowments for any other purpose than to teach the tenets of the Roman Catholic Church. When the Indians withdrew from the Seminary, they declined any longer to submit to its instructions, and were as sheep without a shepherd. If they were obliged to appeal to the Government for aid or protection, properly speaking, it could only be for such aid as would

secure to them the privilege of the worship and teaching which they believed would most conduce to religious health and life. The Methodists have not been prohibited by the Seminary from "teaching and preaching the Gospel of Christ." In the exercise of a privilege, which cannot have been claimed as a right, they have been assisted by the Government as far as the law authorized or permitted. The Government has gone even beyond that, having in many ways influenced the Seminary for the benefit of the Protestant Indians and the Methodist Church. Yet, it remains a fact, that Protestantism, as such, can claim no footing in the Seigniory of the Lake of Two Mountains. That is as private property, and like as in England many a wealthy lord of the manor has refused a site for a Wesleyan or for a Dissenters' chapel, so the Seminary has the power to refuse a site for a Methodist church or school. It is best for all parties that the exact state of things should be known, for although the Seminary has not used the power of prohibition, every movement made towards the establishment of Protestantism at Oka is restrained by the law affecting the property of the corporation. It is, therefore, beyond contradiction that the position of Methodism is precarious and unsatisfactory. Freedom of worship may be tolerated, but surely the Methodist Church of Canada does not exist on mere toleration, and cannot desire to do so in this Dominion. At Oka they can only demand toleration, and their adherents are not free from the possibilities of what they have heretofore regarded as "loss, prejudice and detriment." The existing state of things at Oka must not be perpetuated, and there is only one way whereby they can be changed to the real and permanent advantage of the Indians.

It has always been a subject of regret on my part that somehow or other the Indians themselves became divided. From what I have learned on the spot I am quite sure that unfortunate division was the fruit of mismanagement, misrepresentation and uncalled for outside interference. Only a portion of the Indians, about one-third, accepted the proposals of the Government and have voluntarily removed to the Township of Gibson, in the Muskoka District. To establish a Methodist mission there and continue the mission at Oka involves increased expenditure both for the Missionary Society and for the Government. Yet those who have removed must be provided for in relation to worship and education. They cannot be neglected.* As it is the duty of the Seminary and the Government to assist them toward a comfortable settlement, so it is the duty of the Methodist Church to use all possible endeavour to provide a place of worship and school accommodations. Those who remain at Oka, while they so remain, must continue to be the subjects of regard and service, just so far as may be possible or practicable. But as the case presents itself to my mind, and considering all the past circumstances and continued embarrassments, it is both right and expedient affectionately but earnestly to advise the chiefs and people of the Oka Methodist Mission to acquiesce in the arrangements of the Government and unite with their brethren in the settlement and cultivation of lands which they can call their own, and which have been set apart and deeded to the Government for their benefit and maintenance to the exclusion of all right and claims of the Seminary whatsoever, notwithstanding its large expenditure toward proposed settlement.†

On this question, therefore, I conclude that it is the duty

* See Appendix (Final Letter). † See Appendix. (2).

of the authorities of the Methodist Church to ask the Superintendent-General of Indian Affairs to lay before the Indians, a full and complete statement of the arrangements made, and all other explanations which may tend to an effectual and permanent settlement of all past disputes, "doubts and controversies" of every sort.

REMOVAL OF INDIANS.

So much has been said or written concerning what has been called the cruelty and injustice of the proposed removal of the Indians from Oka that I am constrained to ask permission to offer some remarks on the general question, and on this one in particular.

To me it has often presented itself as an absurdity to speak of the aboriginal tribes of America as "lords of the soil," proprietors of the territory, and so forth. "The earth is the Lord's and the fullness thereof." "The earth hath he given to the children of men." "He hath set the bounds of their habitation." "So God created man in his own image, in the image of God created he him, male and female created he them. And God blessed them, and God said unto them: Be fruitful and multiply and replenish the earth and subdue it, and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth." Our aboriginal friends seem to have confined their attention and enterprise to the "fish," "the fowl," and "every living thing that moveth upon the earth," replenishing the earth and subduing it so that it should bring forth seed to the sower and bread to the eater, are requirements beyond their aspirations. The putting asunder of what God hath joined together, is the primary cause of human degradation. Meanwhile there are millions of

acres of unsubdued lands, and millions of people able and willing to fulfil the original decree. Discovering these immense tracts of land, of no value to the aborigines, except as hunting grounds, and required by the necessities of augmenting civilized populations, it is quite natural that an effort should be made to colonize the unsettled territories. The only question is, how to do this on principles of justice and equity. The late Dr. John Beecham, who wrote on Colonization in New Zealand some years ago, has very properly remarked, "Two parties cannot enjoy the absolute proprietorship of the same lands at one and the same time. They must belong to either the Colonists or the Natives, and if the former should have obtained actual possession of the whole, the latter must necessarily be excluded." A proposition rather obscure, partly true and partly otherwise, or at least not applicable to Canada. On another page, Dr. Beecham, writing in England, says: "What right have we to sit and coolly dispose of distant countries, inhabited by Aboriginal people, who have as valid a title to the lands which they occupy, *as we have to our native soil.*" As though the present possessors of the lands of Great Britain and Ireland were the lineal descendants of the ancient British tribes, whose courageous valour taxed the power and patience of Cæsar's forces. And again Dr. Beecham says: "the Natives (of New Zealand) have had to surrender *their lands* without receiving *any adequate remuneration.*" So, then, it is not *the principle* of settling waste lands that is involved, but the "*adequate remuneration.*" Hence arises the question, what is "*adequate?*" On this there may be a variety of opinions, but all will agree that the Aborigines should have and hold sufficient territory for their own uses, and should be taught, if not required to

subdue it. They should also, in consideration of *restrictions* necessarily imposed by the laws of civilization and progress, be reasonably remunerated for losses thereby sustained, whether real or presumptive. I think, on such honorable and just principles the Canadian Governments have acted. I am aware that Sir Francis Bond Head avowed notions and made proposals adverse to the rights and interests of the Indians, but as he had no predecessor in that respect, so, thank God, he has had no successor. Sir Francis was rebuked strongly by Lord Glenelg, who was at that time Colonial Secretary. That the Indians of Ontario and Quebec are not yet advanced to a high degree of civilization is attributable to many causes, but assuredly a large share of fault cannot be laid on our Governments.

On the subject of Indian Treaties and Aboriginal notions, reference may be made to the valuable volume published by the Honorable Alexander Morris, on "The Treaties of Canada." In the introduction the author says: "It is the design of the present work to tell the story of these treaties, to preserve, as far as practicable, a record of the negotiations on which they were based, and to present to the many in the Dominion and elsewhere, who take a deep interest in these sons of the forest and the plain, a view of their habits of thought and speech, as hereby presented, and to suggest the possibility, nay, the certainty, of *a hopeful future for them.*" That has been the aim of successive Governments in dealing with the Indians. They have been greatly assisted in this important work, both in Ontario and the North-West, by the devoted Missionaries who have consecrated themselves to the evangelization and consequent civilization of the Indian Tribes. In many instances the labours and successes of the Missionaries have made possible the arrangements and

treaties of the Government, particularly in some portions of the North-West. It is to the credit of the Treaty makers, that they have been free gratefully to acknowledge the assistance thus received. Vast interests were at stake, even the creation of a Christian nation, and all philanthropists of every religious sect must rejoice at the prospect of a "hopeful future" for the Aborigines of the Dominion.

On the Oka question, and respecting the proposed removal of the Indians to Muskoka, I desire to say, although it may be a matter of minor importance, that very few subjects have caused me more anxiety than this. I have been greatly grieved that so much misrepresentation has repeatedly appeared in the public press concerning the alleged rights of the Indians to the lands of the Lake Seigniory. The Indians have been made to believe that the Seminary had from the beginning usurped what belonged to them, and that it was their privilege to do as they pleased with the lands and the woods. Of course, the abettors of this view thought themselves justified in encouraging the Indians to claim such rights and privileges, and they may yet think so. Nevertheless I hold that no possible advantage can accrue to the Indians by pursuing that course, but that various evils of great magnitude have followed, and will follow in the wake of such persistency. I make free also to offer the same affirmation in reference to a proposed appeal to the Supreme Court or Privy Council as to rights and titles, which the Indians have been induced to urge upon the Government. To say nothing of delays attending on the commencement and progress of litigation, I am persuaded that no beneficial changes can be effected on the Seigniory, in the relative positions of the contesting parties. Therefore, as a friend and wellwisher of the Indians, I most

sincerely deprecate a continuance or repetition of those proceedings. I have noticed also with great regret that everything done or proposed to be done for the benefit of the Oka Indians, by the Government, has been more or less misrepresented; so that the Indians have been led to think the Government wholly indifferent to their welfare, whereas the truth is, according to my certain knowledge, that the Department of Indian Affairs has devoted more time and care in the consideration of the condition of the Okas, and the regulation of matters for their advantage, than to any other single tribe or band in Canada.

The removal of a band of Indians from one place to another is no new thing in the administration of their affairs. Within the last thirty or forty years many such changes of location have taken effect with the consent of the Indians and on equitable terms. It is certain, that in the olden times very few *settled* anywhere for any length of time. They have always been migratory in their habits, "roaming about the country," as has been truly said, "living on precarious resources, and sometimes reduced to the necessity of subsisting on mere carrion." The village of Oka does not present striking evidences of a high state of civilization, but the Indians have not been so reduced, and need not have been in the comparatively low estate in which we find them. *In that locality* they never will be much better off than they are. I write thus with sorrow, let the blame rest where it may. It does not exclusively rest on one party. It is folly to think so. The history and condition of many other Indian missions will not authorize any reasonable person to say so. And yet when it is proposed to attempt the advancement and improvement of the Indians, the graves of their fathers and the sentiment of respect for

the dead are invoked. I reverence the feeling, and in passing, would respectfully suggest to the Seminary that a suitable fencing be placed around the consecrated graveyard of the Indians of Oka. But the strongest feeling of respect and reverence for the dead should not stand in the way of deliverance from privation and suffering, and the possibility of freedom, life and happiness for those who may desire these precious gifts, and who are willing to contribute their own exertions for their attainment.

On the settlement of Indians there is a great deal of valuable information contained in the Commissioners Report published in 1858. The Report says: 'The attachment of the Indians to the parts of the country where they have been born and brought up, is extreme.' It is mentioned as a hindrance to the accomplishment of benevolent designs concerning which many useful suggestions are made on these and on collateral subjects. Amongst Indians as amongst ourselves, the feeling and knowledge of proprietary rights or ownership of the soil is of vast importance. The whole study leads me to the conclusion that the adjustment of claims and the quieting of contentions at Oka, can only be achieved by the Indians occupation of lands of their own, about which there shall be no dispute, and which can be properly managed as an Indian Reserve under the Act of 1880. To this end a portion of the township of Gibson consisting of 25,582 acres has been set apart. This Reserve has been paid for by the Seminary, who also agree to erect suitable houses, pay the expenses of removal and indemnify the Indians for such improvements as they may have made at Oka. The Reserve is to be divided into lots of 100 acres for each family, or more it required, and arrangements made with a view to the future

enfranchisement of the tribe. Difficulties may arise in respect to this enterprise, but it is practicable. If the efforts of the Government and of the Seminary are seconded by the industry and perseverance of the Indians every ordinary difficulty will be overcome, and the Indians may attain in a good degree a condition of comfort and independence. There are good grounds for stating that the Indians who have gone to Muskoka are well pleased with their situation and prospects. It is therefore very much to be regretted that the project of the Government in behalf of the Oka Indians should have been made the subject of ridicule and misrepresentation. At the same time evil reports have obtained currency as to the conduct and *motives* of various persons. Communications purporting to come from Oka, and many others, containing unfounded statements, have been eminently mischievous. There can be no objection to stimulate any amount of sympathy and commiseration for these poor Indians, but I am convinced that the course heretofore pursued by many who have wished to be their friends has not subserved either their spiritual or temporal interests. It has created false expectations and baffled the best endeavours of the Government. My earnest wish is that the whole matter may be calmly reviewed in the light of incontrovertible facts. To this end I have freely expressed my views to the Department; not without a desire that others may become acquainted with them, being satisfied after mature reflection that they are sound in principle and correct as to facts. There was a time when the Indians needed something more, and other than mere sympathy, and I am glad they received it. But now the time has come for the interment of dead issues and the promotion of living proposals, and I shall, as much as in

me lies, respectfully solicit the co-operation of all parties and persons toward the prosperity and salvation of the Oka Indians.

In concluding this review of the Oka question, in accordance with the wish of the Superintendent-General of Indian affairs, I desire to say that I do not for a moment suppose that any new information is communicated to the Department. My design has been to present the conclusions I have been compelled to draw, after a careful examination of the facts and documents before me, relating to the matter. I pretend to no legal attainments, but have applied what ordinary knowledge I possess with a view to the settlement of intricate and difficult questions. If any thing herein expressed shall in any measure contribute to that end, it will afford me great gratification, being persuaded, as before intimated, that the longer the affairs of the Oka Indians remain in their present condition the greater the danger to all the parties concerned in them.

NOTE.—Documents referred to or cited in the foregoing remarks :

Donation deed to the Seminary, dated 9th March, 1668. Deed of Concession to the Seminary of St. Sulpice, 27th April, 1713, and that of 1st March, 1735, both from the King of France. Articles of Capitulation, 1759-60. Treaty of Peace, 1763. Debates of the British Parliament, 1840. Opinion of Judge Badgley, 7th May, 1873. Report of the Minister of Justice to Hon. David Mills. Minutes of the Privy Council of Quebec, 16th April, 1789, and those of the 21st March, 1780. Report of Royal Commissioners, 1834-5. A contribution to a proper understanding of the Oka Question, and a help to its equitable and speedy settlement. By Beta : Montreal, 1879. The Treaties of Canada with the Indians of Manitoba, &c., by the Hon. Alexander Morris. Ryerson's Loyalists of America. Garneau's History of Canada. Memoirs of the Seminary of St. Sulpice. Report of Special Commission, 1833. Parliamentary History of England, Vol. 17, &c., &c., &c.

POSTSCRIPT.

Nearly a whole year has elapsed since the foregoing communication was made to the Department. Within that period I have had the honour of bearing conciliatory despatches for the information of the Indians, given at their request, and have fully explained their meaning and intent.* The one bearing the signature of the Superintendent General of Indian Affairs, sets forth very clearly the *status* of the Indians on the Seigniory, and the other, signed by the Deputy of the Superintendent General, contained the arrangements made for the benefit of the Indians when they would remove to another location. In respect to each of the visits these documents required, I have made a separate Report to the Department. I wish to express my thanks that these documents were prepared and sent. Notwithstanding the many occasions since 1868 on which the Indians have been informed as to their legal position relative to the territory, they have continued to profess ignorance, or lack of information, and the public has been led so to think. That can no longer hold good. As far as I know, they have long ago, as well as now, received all the information it was in the power of the Government to give.† Having had many opportunities of correspondence with the Department in behalf of the Oka people, I am bound to say that scrupulous attention has been paid to their wants and wishes. Nothing has been left undone, which could properly be done, to ensure their peace and welfare. I had hoped by this time the Indians remaining

*See Appendix (1),

†See Appendix (a).

at Oka would have so considered their situation that they would have yielded to the convictions of the Department, and the wishes of their best friends, and would therefore have begun to make preparations for a change of residence. I regret to find from recent personal intercourse with the Chiefs and people of Oka that arguments and persuasions seem to be of no avail. They do not regard any opinions given as to their rights of territory, and they still wish to act on the notion that they own the domain. It would appear as though they were advised not to consent to the arrangements made for their occupation of a reserve set apart for their exclusive benefit. The Chiefs and principal men declare that they will not go to Muskoka, because, as they say, they were never consulted in the selection of the location. They do not believe the favorable reports made as to the comfortable condition of those Indians who have removed. Even if the reserve is all that its friends represent, they decline to identify themselves with those who, without proper consultation, assented to accept the location and separated from their brethren. The situation is one of great gravity, and the gravity is augmented by more recent events, which I have reported to the Department, and to which I solicit your serious attention. The sense of justice or injustice seems to be wonderfully developed, and it may not be easy to find a way of conciliation in regard to what the Indians consider primary faults in dealing with their interests. I record the impressions made on my mind from a free and frequent intercourse with the Indians, having no motive to serve but what comports with their welfare, coupled with a strong desire that the policy of the administration should be understood and accepted.

As to the right or title of the Indians to the lands on which they reside, after fuller consideration I have no change to make in the views expressed in the preceding communication. Yet I most earnestly wish the gentlemen of the Seminary may not miscalculate their powers and prerogatives in this grave situation. In the arrangement with the Government there is a term of four years specified within which the Indians may avail themselves of the terms and conditions offered. Hasty and unwise limitations of privileges as regards the Indians are to be deprecated. It would be greatly to the credit of the Seminary, and very much conduce to the comfort and peace of the community, if the directors could see their way to offer better terms to the Indians with a view to their removal. If that removal is so very important a matter ; and would add, as doubtless they suppose, to the value of their estates, a few thousand dollars should not be begrudged in order to accomplish their wishes. The Government of the Dominion has no right to be perplexed and annoyed in this matter of money, when the whole immense resources of the Seminary are considered, and considered too in respect to the purposes for which the lands were originally granted. As I have shown, these lands were not granted to the Indians, but it is equally certain that they were granted with reference to their salvation and civilization. These properties have become immensely valuable, not through any special skill or expenditure of capital by the Seminary, but in the order of that Divine Providence which has presided over the destinies of this great Dominion. It is held, therefore, that the Indians should share in the results of this providential development of values, and not be cut off with the mere peelings of so much rich fruit. Fifty or an hundred thousand

dollars may seem a large sum to apportion to the Indians as their share of untaxed advancement of values. The Seminary may not be persuaded of this, yet I will hope their present decisions may not be taken as a finality. It is to the interest of the gentlemen of the Seminary that they should reconsider the whole matter. They surely must have some respect for public opinion, and I speak confidently in the light of history, and in view of modern progress, so called, which sometimes runs in strange courses and with great rapidity ; that the Seminary cannot afford to be indifferent to the voice of the multitude, which has respect for the claims of the aborigines of Canada. Legal technicalities do not affect the masses ; they look to the equity of any disputed topic. There is a deep seated conviction that although the Indians may not have a legal claim to the lands, as owners thereof, they are nevertheless entitled to compensation for the loss of lands which they had been led to suppose were set apart for their benefit. This does not apply merely to the small holdings in their possession on the seigniory of the Lake of the Two Mountains, but to the whole vast territories held by the Seminary. The impression prevails that the Indians have an interest in all their estates, inasmuch as every deed and instrument of whatever sort granted by the kings of France and confirmed by the law of 1840, distinctly includes the Indians of New France, or of the Dominion as parties to be benefitted by the grants. Accumulations of wealth are not contemplated by the said grants, but the diffusion and continuance of benefits both temporal and spiritual. So runs the undercurrent of thought on this matter. The result of this kind of reasoning on the public mind is, that if the Seminary desires the removal of the Indians, they should appropriate sufficient

means for that purpose, so that the families removed shall not have to endure all the hardships of pioneer life, but shall be in a position at once to settle, with about the same measure of physical and social comfort they are now supposed to enjoy. As to the Indians, it is a deeply seated conviction that the present arrangements for removal and settlement are entirely insufficient. I would therefore most earnestly but respectfully suggest to the Indian Department, the absolute necessity there exists for reopening the question of compensation for improvements—the adjustment of the claims of the young men, and the special consideration which should be given to the circumstances of the aged and the infirm.

I cannot conclude this correspondence without the expression of my gratitude for the consideration which has been shown to me, whenever I have thought it my duty to make any representations to the Department concerning the Oka Indians. I most sincerely trust that the time is not distant when this long continued and perplexing question will be finally and satisfactorily adjusted.

I have the honour to be,

Your obedient servant,

WILLIAM SCOTT.

APPENDIX (1).

OTTAWA, April 28th, 1882.

REV. D. SIR,

Referring to your letter of the 25th February last, in which you state that, at the urgent request of the Chiefs of the Oka Indians, you paid them a visit on the 10th of that month, and while there you attended a meeting of the Indians, at which the greater portion of the male members of the Band were present, when you were asked to represent to the Department the substance of their views and wishes, which you have conveyed in your letter above referred to. In connection therewith you suggest that, as the chief cause of disaffection and trouble at Oka arises either from their not knowing their actual position relative to title or from not regarding the information given them relative thereto as of sufficient authority, it would be expedient and wise to draw up a document stating the law as it now stands, and giving in clear terms the opinions of the law officers of the Crown in 1789, and in more recent times, in regard to the Indian claims of title, and that it would then be proper for some one to be authorized to read and explain the contents of the letter to the Indians. I beg to tender you the thanks of the Department for your valuable suggestion, and to say that, if convenient to yourself, the Department will be glad to avail itself of your services to read and explain to the Indians the accompanying letter addressed to the Chiefs by Sir John Macdonald, Superintendent-General of Indian Affairs, which gives, as suggested by you, the opinions from time to time of the law officers of the Crown and the several decisions of the Government

in relation to the Indian's alleged claims to proprietary rights in the land and timber, &c., in the Seigniorship of the Lake of Two Mountains.

The Department will be glad if you can conveniently proceed to Oka at an early date, and after assembling a Council of the Indians, read and explain to them the letter of the Superintendent-General of Indian Affairs.

I have the honor to be,

Revd. Sir,

Your obedient servant,

L. VANKOUGHNET,

*Deputy of the Supt.-Gen. of
Indian Affairs.*

REVD. WM. SCOTT,
1, Richmond Road,
Ottawa, Ont.

APPENDIX 1(2).

LETTER TO THE INDIANS.

1, Richmond Road, Ottawa,
18th December, 1882.

TO THE CHIEFS OF OKA.

MY DEAR BROTHERS,

I am glad to tell you that the Deputy of the Superintendent-General of Indian Affairs was very much pleased with your conduct while on your visit to Ottawa. You must also have been satisfied that he most sincerely desires your welfare, and you may be assured that the Government as a whole has only one wish respecting you and your people—that is your prosperity and happiness.

You must, however, have perceived that it is the desire of the Department that you should avail yourselves of the arrangements made in your behalf by the Government with the gentlemen of the Seminary, and proceed to the lands set apart for you in the township of Gibson. By moral suasion alone the Department endeavours to accomplish what is deemed best for you. After many years of agitation and litigation it is not possible for anybody to promise you and your people any better times, or hold out to you the hope of permanent peace and prosperity in your present settlements. As you have been officially informed, the lands of the Lake of Two Mountains on which you reside, are the property of the Seminary. They are not an Indian Reserve, and the Government of the Dominion has no control of them whatsoever.

I mention these facts to you in this letter, because they determine the position of the Methodist Missionary Society at Oka. It is not possible for us to do what we wish for the religious and educational advantage of the people. We can hold no property there, and the past history of our mission must satisfy you that we are at any time liable to be disturbed. You, and we are informed that the privileges heretofore enjoyed cannot be much longer extended, and it becomes a matter of vital importance to you and your children, that you should consider the advantages which are offered to you, by your acceptance of the arrangement which has been explained to you. In so far as concerns the Missionary Society on the Gibson Reserve, we should be in a position to provide a suitable place of worship, and we should be able to co-operate with the Government for the better education and training of your children that they may become virtuous, useful and prosperous citizens.

Whereas, as you are now situated, neither the Government nor the Missionary Society can do anything effectually for your advancement in any direction.

I would, therefore, as a guardian of your interests and desiring to see you peaceful and prosperous, offer to you for the serious consideration of Chiefs and people that advice which I am most deeply convinced will be for your good. It is that you should consider the terms and conditions on which you will consent at once to vacate the lands you have occupied at Oka, and proceed to the Reserve which has been set apart exclusively for your benefit. As far as I can see, there is no alternative. To remain where you are involves you and your best friends in embarrassing and perplexing uncertainties, while to accept the arrangements the Government has made and may make for you, opens up to you and your children the prospect of peace and prosperity. There may arise difficulties and hardships, but with the blessing of God upon your industry and perseverance, all these will be overcome.

I beg you, therefore, earnestly and promptly, to take these matters into consideration. Having no motive in this writing, but what I believe consists with your present and everlasting welfare.

I beg to subscribe myself,

Your faithful friend,

To the Chiefs J. TIWISHA,

WM. SCOTT,

I. ANTONION,

M. FRET,

Oka, P. Q.

OTTAWA, 26th December, 1882.

REVD. SIR,

I beg to acknowledge with many thanks the receipt of your letter of the 18th instant, enclosing copy of one addressed by you to the Chiefs of Oka, relative to their proposed removal to the Reserve set apart for them in the Township of Gibson; and I beg to inform you that the Department deeply appreciates the interest taken by you in the welfare of those Indians.

I have the honor to be,

Revd. sir,

Your obedient servant,

ROBT. SINCLAIR.

*For Deputy of the Supt.-Gen. of
Indian Affairs.*

THE REVD. WM. SCOTT,
No. 1, Richmond Road,
Ottawa, Ont.

APPENDIX A.

James Hughes, an Indian Superintendent, says :

"Yesterday, the 28th instant (1838,) I had the honor of an interview with His Excellency" (Sir John Colborne) "in order to put a stop to the disputes pending between the principals of the Seminary and the said Indians. His Excellency is pleased to command that the Indians be desired (through the chief superintendent of the department) to desist cutting more wood on the domain of the Seigniory of the Lake of Two Mountains without permission."

From a letter to the Iroquois Chiefs and people, sent December, 1868, by Sir Hector Langevin :

"The Seigniory of the Lake of Two Mountains was granted in the year 1718, by the King of France, to the gentlemen of the Seminary of St. Sulpice, and the title, which has been recognized by Act of Parliament, is such as gives to that body the absolute ownership thereof, and, consequently, the Indians have no right of property in the seigniory."

"With regard to timber, it is found from explanations given by the Superior of the Seminary, that the Indians are allowed to cut such wood as they require for fuel and for building purposes, but are not permitted to cut wood for sale."

Judge Coursol to the Indians of Oka in 1869 :

"During the course of my conversation with the chiefs, I told them of the imprudence of their words, of the danger of their conduct, of the illegality of their acts, and of the penalties and fines to which they would infallibly be exposed if they persisted upon taking or advising the Indians to take possession of lands which did not belong to them, the present proprietors of which had been in possession and enjoyment of the same before and ever since the conquest, and whose rights and titles had so often been recognized by the tribunals of this country."

APPENDIX B.

Viscount Melbourne, during the debate in the House of Lords, said :

"I do say, therefore, notwithstanding any legal or speculative opinions that may have been hazarded upon the subject, that if this continued possession of those properties by the Seminary of St. Sulpice, and this continued and complete exercise of those rights are not to be considered as a settled and a fixed possession, there is nothing settled or fixed in the affairs of mankind. If this is not to constitute a recognition of and a moral and equitable right to those properties, superseding any prior or legal right that could possibly exist, then I would say, there is nothing which, by possibility, can be considered fixed, stable or permanent. It is upon this ground, upon the ground of the possession being so settled, that the ordinance was framed."

During the debate in the House of Lords the Marquis of Normanby said :

"For your Lordships to adopt the course now suggested to you by the right reverend prelate *would be most unjust and unfair*. The question, after all, is one of bargain, a bargain already agreed upon and to some extent in operation. With what justice could your lordships step in to prevent one of the parties to the bargain from giving the equivalent agreed upon? Your lordships have induced certain parties to part with a portion of their property, upon the understanding that in return for that property they were to receive the advantages contemplated by this ordinance. If your lordships were not to fulfil the terms of the bargain, you would be inflicting upon those parties a signal injustice."

APPENDIX C.

Quotation from "Shea's American Catholic Missions" in the Report of the Minister of Justice, the Hon. Mr. Laflamme, made to the Hon. David Mills :

"The French plan (of missions) was different. The missionary planted his cross amongst the heathen and won all he could to the faith and whenever he could form a distinct village of Christians ; but these villages were never like the missions of the Spanish missionaries. The French priest left his neophyte free, setting him no task, building no splendid edifices by his toil. The French mission was a fort against hostile attacks and enclosed merely the church, mission house, and mechanics' shed, the Indians all living without in cabins or houses, and entering the fort only in time of danger."

In the same document the Minister of Justice says :

"The subject of the Indians rights in the seigniory has already undergone the investigation of the Government of this Dominion within a few years, and they were pronounced groundless. On the 24th May, 1869, a petition of the same parties, the Algonquins and Iroquois Indians of the Lake of Two Mountains, setting forth the same pretensions as those asserted in the petitions now submitted, was addressed to the Governor General, questioning also the right of the Seminary to the land and wood in the former Seigniory, and his Excellency in Council approved of a report made on such claims to the effect that the Indians had no right in the Seigniory of Two Mountains, and that the said Seigniory was the absolute property of the Seminary of St. Sulpice who had complied with all the requirements of their charter."

The Minister also says, in his opinions :

"It may be also a source of painful regret that after so long a residence on this territory, the Indians have not the advantage of securing for themselves a place of worship according to their religious convictions. The question, however, is not one of sympathy, but one of absolute right and of the respect due to the unquestionable claims of property and submission to the decision of the courts of justice. It might be proper to consider, under the circumstances, whether some assistance and provision should not be made in favor of the Indians to secure what the law under the circumstances denies to them ; but, having to determine a question of right, under clearly defined titles and positive legal enactments, I find it impossible to arrive at any other conclusions than those above stated."

From the opinion of the Hon. Judge Badgley the following quotations are made:—

"The Sulpician properties above mentioned in Canada, though nominally represented by the head establishment at Paris, were actually, in the case of the Seminary of Montreal, dedicated to and specially appropriated for pious uses in Canada within the local charge of the Montreal Seminary, who held in fact the seigniories as their direct properties having the exclusive administration of them, the collection and application of their local revenues to local uses without reference to the house at Paris and without aid from that seminary ; but owing to the inadequacy of the local revenues to meet local expenses and the local works, *l'œuvre*, to which the properties and their local revenues were specially appointed, the Montreal Seminary were for several years before the conquest necessitous receivers

directly from the French King's bounty of an annual contribution from the public funds of France to supplement the local means of support."

Respecting the position and religious claims of the Indians, Judge Badgley says :

"As matter of fact, the history of the mission at the Mountain some years after the original settlement of the city in 1642-3, or that of Sault-au-Recollet in 1701, both locations being in the seigniory of the Island of Montreal, or finally at the Lake seigniory in 1717, the mission Indians were merely a gathering of waifs and strays of different tribes, fortuitously collected at the mission location by the christian charity of the ecclesiastics of the Seminary of Montreal, and never had or pretended to have title of any kind either to the seigniory of Montreal, their first and second locations, or to the lake seigniory where they were last located until within a very recent period. It appears, however, that the Oka Iroquois have held and occupied lots of land at or near the locality of the lake mission, either by themselves as individuals or by families, or as having acquired them by succession to deceased Indian relatives, for the protection and maintenance of themselves and families as residents at the mission, and hence the self-imposed duty assumed by the Seminary of Montreal for the care and spiritual instruction of the Indians at the lake mission was set out among the the conditions and considerations for the confirmation act of 1841, which vesting the seigniories absolutely in the ecclesiastics of the Seminary, was declared to be for the following 'purposes, intents and objects only and for none others, among these the cure of souls within the parish of Montreal, the mission 'of the lake of Two

Mountains for the instruction and spiritual care of the Algonquins and Iroquois Indians.' This last special mission purpose is quite explicit, and it would be a contradiction of its terms to require as a duty and service of the ecclesiastics of the Seminary, to afford to the mission any instruction or spiritual care other than Roman Catholic, and by no process of construction could the plain intent and purpose of this particular statutory duty be made to apply to Protestant tuition and spiritual care."

CONCLUDING LETTER.

To the Rev. ALEX. SUTHERLAND, D.D.,
 Secretary Treasurer
 Methodist Missionary Society,
 Toronto.

MY DEAR SIR,—You have frequently desired information respecting the Oka Mission and the relation of the Indians to the territory on which they reside. I have therefore forwarded to you a few copies of the report which I made to the Superintendent General of Indian Affairs, in which is contained an extended review of the whole case of the Okas, with certain suggestions on what may be the duty of the Methodist Missionary Society, under the very peculiar circumstances in which we are placed on the seigniory of the Lake of Two Mountains. It does not afford me any great pleasure to be obliged to differ in opinion from my predecessor in office, the Rev. John Borland. I have read, with great sorrow, the four letters which he wrote to the late Hon. Joseph Howe, published in pamphlet form in 1872. The title page is itself quite formidable and emphatic—"The Assumption of the Seminary of St. Sulpice

to be the owners of the Seignior of the Lake of Two Mountains, and the one adjoining, examined and refuted, and their treatment of the Indians of the Lake of Two Mountains, exposed and denounced, in four letters, &c." With such a title page, the letters correspond. They do not contain a fair statement of any of the historic facts, but they abound in harsh invective and painful inuendo. The whole argument is weak and illogical, as well as being at variance with the opinions of the wisest of British statesmen and the judgment of men learned in the law. The effect has been to complicate the affairs of Oka, and render difficult any fair and just settlement of the Indians' claims. The Montreal Conference and the Methodist Church generally have been misled by the one-sided and partial presentation of the Oka difficulty—more particularly the Montreal Conference. As a body of men they could only judge of the case by the statements made to them by one who was supposed to understand all about it. In 1876 I knew no more than the rest of my brethren, and therefore as President of the Conference for that year I consented to an address or petition to Her Most Gracious Majesty, praying for a redress of wrongs charged against the Seminary. I now know that the said petition abounds with errors of the most serious character, and ought not to have been adopted. I never heard of its reception by the Queen, and suppose it was not deemed worthy of presentation. In that I sorrowfully concur. In connection with that memorial the following resolution was adopted by the Conference.

INDIANS AT OKA.

"*Resolved*,—That as this Conference has heard with very deep feelings of sympathy, of the many and great persecu-

tions and sufferings of the Indians of Oka, at the Lake of Two Mountains, and that such have been inflicted by those who, even as themselves, are amenable to the laws of the country; and inasmuch as no effectual means have been used by any of our Governments, who are the proper and lawful guardians of these as of other Indians of the Dominion, to protect these poor sufferers from the hands of their ruthless persecutors, or to secure to them the quiet occupancy and use of lands originally designed most clearly for such a purpose by the Governments of France and Great Britain; therefore, it is resolved that the Conference authorizes its name, and, as its representative, the petition to Her Most Gracious Majesty the Queen just read to it, that thus may be obtained for these Indians that consideration and treatment which have been singularly withheld from them hitherto, by the proper authorities of this Province and Dominion."

The authorship of that remarkable resolution may be easily decided from its style.

Here are denunciations of Governments, and descriptions of persons and proceedings; together with claims of right, utterly unworthy of a Christian body, unless supported by indisputable and authoritative evidence. In my report to the Superintendent-General of Indian Affairs I had no design to refute the inaccuracies of that resolution or of the memorial to Her Majesty. In fact I never thought of them when examining the question for myself, and therefor it is with the greater confidence that I commend to your candid consideration the report which accompanies this letter.

Besides, can any body for a moment suppose that phraseology such as is found in the above resolution was in the least degree likely to promote a settlement of the claims of

the Indians or incline the insulted parties to listen to appeals for redress of alleged wrongs. As a matter of fact the reverse was the case. There could be no confidence in men who thus rashly attacked the authorities of the Dominion. For a period of ten years at least we were as a Church in a false position, and could not expect to help the Indians to obtain a recognition of their just claims and undoubted rights.

The views I have expressed in my Report to the Right Honorable Superintendent General of Indian affairs, are of as much consequence to the Methodist Missionary Society as they are to the Head of the Government. The Indians have, as we all know, become divided. Those who remain at Oka are fully entitled to our consideration, for they remained faithful to the Methodist Church throughout all the contentions and disputes of the past years. But the time has arrived when it is absolutely necessary to consider our position. We have no right to be obliged to incur the expense of sustaining two missions and three or four schools for these Indians. At present those at Oka decline to settle on the Gibson reserve, yet I am not without hope that they may see it for their real and permanent welfare to accede to the arrangements of the Government made in their behalf. And I believe it is our duty to co-operate with the government in carrying out its policy, and that with all possible despatch. I have good reason to know that further delay will not advance the interests of the Indians, nor will it promote the cause of the Supreme Head of the Church—Our Lord Jesus Christ.

Yours very truly,

WILLIAM SCOTT.

OTTAWA, 7th February, 1883.

